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04/17/2001

Mark T. Corl

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08/15/2008

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EXAMINER

HUYNH, SON P

ART UNIT

PAPER NUMBER

2623

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 09/835,559	<b>Applicant(s)</b> CORL, MARK T.	
	<b>Examiner</b> SON P. HUYNH	<b>Art Unit</b> 2623	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 12 May 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-3,5-19,22,27,33 and 34 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3,5-19,22,27,33 and 34 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

## **DETAILED ACTION**

### ***Continued Examination Under 37 CFR 1.114***

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/2/2008 has been entered.

### ***Response to Arguments***

2. Applicant's arguments with respect to claims 1-3, 5-22, 27 have been considered but are moot in view of the new ground(s) of rejection.

Note: application No. 08/938,028 (US 2003/0066085 A1 - referred as Boyer), Application No. 09/186,598 (US 6,820,278- referred as Ellis), Application No. 09/356,268 (copy provided upon request) – referred as Rudnick,.... are incorporated by references in their entirety in Knudson (US 6,526,577 B1 – referred as Knudson) – see include, but are not limited to, Knudson: col. 7, lines 1-5, lines 37-40, col. 12, lines 13-17...), therefore, these applications, and other applications incorporated by references,

in their entirety are treated as part of the text of Knudson (see M.P.E.P 2163.07 (b) [R-3]).

Applicant argues either Doc. A/65 nor Knudson, individually or in combination, discloses or suggests parsing a second descriptor to identify at least a second field that contains at least one code associated with second graphic information to be displayed in an event portion of the EPG, the second graphic information being directly associated with the event in the EPG, as recited in claims 1, 22, 27 (page 10, paragraph 6-page 11, paragraph 3). This argument is respectfully traversed.

Doc. A/65 discloses receiving PSIP tables with descriptors and parsing the descriptors in the PSIP tables as discussed in the Final Office Action. Knudson discloses receiving program guide information comprising descriptors such as text, graphic, program title, etc. (col. 3, lines 4-26, col. 4, lines 47-67). Knudson further discloses processing the program guide information to generate display screen, wherein the display screen may include any suitable combination of text, graphic, and video elements. In particular, the display screens contains the current time, product brand graphics, cable provider graphics, sponsor graphics, selectable advertisements, video windows that display the television programs on the current channel, or any suitable combination thereof (see include, but are not limited to, col. 3, lines 4-25, col. 9, line 59-col. 10, line 9, col. 10, lines 30-47, col. 11, line 36-col. 12, line 17). Thus, the descriptors in the program guide information must be parsed/processed in order to identify desired information to be displayed on the display screens. Therefore, the second descriptor

Art Unit: 2623

must be parsed to identify at least a second field that contains at least one code associated with second graphic information to be displayed in an event portion of the EPG (e.g., descriptors in the program guide information/applications is processed to identify a field that contains code associated with graphic information for sponsor graphic, left arrow graphic, right arrow graphic, "cc" graphic, head phone symbol graphic, or "i" icon, etc. in the program guide listing portion – see include, but are not limited to, figures 6-13, col. 9, line 59-col. 10, line 65, col. 11, lines 35-62), the second graphic information being directly associated with the event in the EPG (e.g., the graphic information for still video, sponsor graphic, "cc" symbol, or "i" icon, etc. is detail describer, or information associated with the selected channel, selected program, etc. in the EPG (see include, but are not limited to, figures 6-13, col. 9, line 59-col. 10, line 65, col. 11, lines 35-62).

Therefore, the combination of Doc. A/65 and Knudson discloses the limitations of claims 1, 22, 27).

Applicant further argues Doc. A/65 and Knudson does not disclose or suggest third field indicates that the first graphic information associated with the source of the event is displayed when the source of the event is selected as recited in new claim 33 or "third field indicates that the second graphic information associated with the event displayed when the event is selected" (page 11, paragraph 4). This argument is respectfully traversed.

Knudson discloses processing program guide information and program guide application to create display screens as discussed above. Knudson further discloses when an event such as channel/program is selected, detail description of the selected channel/program and/or preview content is displayed. The detail description comprises sponsor graphic, channel graphic, closed caption "cc" graphic, etc. (see include, but are not limited to, figures 6-13, col. 9, line 59-col. 10, line 65, col. 11, lines 35-62). Thus, the field indicates graphic information associated with channel of the event when the channel of the event is selected is interpreted as third field indicates that the first graphic information.... as recited in claim 33; the field indicates sponsor graphic, "i" icon, still image, or "cc" graphic, etc. when channel/program is selected is interpreted as third field indicates that the second graphic information associated with the event is displayed when the event is selected as recited in claim 34.

For the reasons given above, rejections on the claims 1-3, 5-19, 22, 27, 33-34 are analyzed as discussed follow.

Claims 4, 20-21, 23-26, and 28-32 have been canceled.

### ***Claim Rejections - 35 USC § 112***

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

Claim 11 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 11 recites the limitation "said descriptor" in 6. There is insufficient antecedent basis for this limitation in the claim. It is not clear whether "said descriptor" refers to "first descriptor" or "second descriptor" or "third descriptor".

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-3, 5-19, 22, 27, 33-34 are rejected under 35 U.S.C. 103(a) as being unpatentable over "PROGRAM AND SYSTEM INFORMATION PROTOCOL FOR TERRESTRIAL BROADCAST AND CABLE" (hereinafter referred to as Doc. A/65) in view of Knudson et al. (US 6,526,577).

Regarding claim 1, Doc. A/65 discloses a digital television (DTV) receiver configured to receive a digital television signal containing program and system information protocol

(PSIP) data, which when received by the DTV receiver causes the DTV receiver to perform the following method:

parsing a first descriptor to identify at least a field that contains a code associated with content/data to be displayed on a display screen (e.g., field contains code for short channel name, channel number, or service type, etc.), the displayed information (e.g., channel number, short channel name, or service type, etc.) being associated with a source of an event (see include, but are not limited to, page 7, page 14 section 6.1-page 42, section 6.8; page 18, section 6.3, pages 74, 77-79);

parsing a second descriptor to identify at least a second field that contain at least one code associated with second information such as program title, program name, or event identifier, description, etc. to be displayed on the screen (see include, but are not limited to, page 7, page 14 section 6.1-page 42, section 6.8; page 18, section 6.3, pages 74, 77-79);

Doc. A/65 further discloses PSIP tables comprises tables types 0X40 through 0XBF are user defined (outside the scope of this PSIP standard) – pages 9-10; and information in Master Program guide is received and processed by a decoder at a receiver (see include, but are not limited to, pages 21, 75-74). However, Doc. A/65 does not explicitly disclose code associated with first graphic information to be displayed in an Electronic Program Guide (EPG) on a display screen, code associated with second graphic to be displayed in an event portion of the EPG, the second graphic information being directly associated with the event in the EPG; and displaying at least one of the first and second graphic information in the EPG.



Knudson discloses parsing a first descriptor to identify at least a first field that contain at least code associated with first graphic information to be displayed in an EPG on a display screen, the first graphic information being associated with a source of event; parsing a second descriptor to identify at least a second field that contains at least one code associated with second graphic information to be displayed in an event portion of the EPG, the second graphic information being directly associated with the event in the EPG; and displaying at least one of the first and second graphic information in the EPG (descriptors in the program guide information must be parsed/processed to identify field that contain code associated with channel graphic, or source graphic, etc. and field that contain code associated with sponsor graphic, still image of event, "cc" graphic, "head phone" graphic, left arrow, or right arrow graphic, etc. so that the channel graphic, source graphic, sponsor graphic, or still image, etc. are displayed on the Electronic Program Guide on a display screen, wherein the still image of event, sponsor graphic, or "cc" graphic, etc. is detail description or preview of the event in the EPG, and the description, still image, sponsor graphic, or left arrow graphic, or right arrow graphic, etc. is displayed in the event portion of the EPG – see include, but are not limited to, figures 6-13, col. 9, line 59-col. 10, line 65, col. 11, lines 35-62; Boyer: figure 17; Rudnick: page 22, and discussion in the "Response to Arguments" above) .

The combination of A/65 and Knudson (with incorporated by references in their entirety) discloses all elements as recited. Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Doc. A/65 to incorporate the teaching as taught by Knudson in order to yield predictable results such

Art Unit: 2623

as to display unique graphic of source, graphic of description, or additional information, etc. thereby allow user to select desired content/source more accurate.

Regarding claim 2, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses each of the first and second descriptors includes: a descriptor tag field; and a descriptor length segment (e.g. see including, but are not limited to, A/65: page 36 – page 42; Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 3, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 2. Doc. A/65 in view of Knudson further discloses the descriptor tag field has a value for the information type descriptor and a value for an extended information descriptor field (see include, but are not limited to, A/65: page 9, section 4.2, page 36-page 42; Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58). It would have been obvious to one of ordinary skill in the art to use a value of 0xC9 for the information type descriptor field and a value of 0xC8 for extended information descriptor field in order yield predictable results such as to achieve developer's desire.

Regarding claim 5, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses the code included in the first or second field characterizes the first or second graphic

Art Unit: 2623

information as one of: an MPEG-formatted video file, an ASCII text file, JPEG formatted image file, or an MPEG formatted audio file, (see including, but are not limited to, A/65: page 10, paragraph 2, page 18, paragraph 6, page 19, last paragraph, page 22, last paragraph, page 24, paragraph 1, page 30, paragraph 5, page 44, page 49, section C1 –page 52, page 70, section D1, page 78; and Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 6, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses wherein each of the first and second descriptor includes an information description length field; and an information description text field (see include, but are not limited to: A/65: page 18, section 6.3, page 24, page 30, section 6.5-page 42, section 6.8, and Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 7, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 6. Doc. A/65 in view of Knudson further discloses the information description length field identifies a length of the information description text field (e.g. rating description length field identifies a length of rating description text field – A/65: page 37, paragraph 7; and Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Art Unit: 2623

Regarding claim 8, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 6. Doc. A/65 in view of Knudson further discloses the information description text field includes text that characterizes at least one of the first and second graphic information (e.g. rating, channel graphic, title graphic, or sponsor graphic, etc. see including, but is not limited to, A/65: page 26 – page 42; Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 9, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Knudson further discloses the program guide information are displayed in associated with category, channel, time, or program selected - for example, when a channel/program is selected, only description associated with selected channel/selected program is displayed (see include, but are not limited to, figures 6-13). Thus, it is inherent that third descriptor including third field describing an expected usage of at least one of the first and second graphic information is parsed so that only desired graphic information and other descriptions associated with the selected category, selected channel, or selected event are displayed on the screen.

Regarding claim 10, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 9. Doc. A/65 in view of Knudson further discloses the third descriptor further includes an information location length field (PID, channel, source, etc.); and an information location text field (e.g. channel name, program title,

rating, etc. – see include, but are not limited to, A/65: pages 24-42, 71-80; Knudson: figures 6-13, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 11, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 9. Doc. A/65 in view of Knudson further discloses logo graphic such as logo graphics for channels are displayed with the program guide, logo graphic for TCI advertisement displayed on the lower right corner, etc. and when a channel/program is selected, additional program including sponsor graphic or other graphic is displayed (see include, but are not limited to, Knudson: figures 6-13; col. 2, line 42-col. 3, line 26, col. 4, lines 47-58). It would have been obvious to one of ordinary in the art that third descriptor includes: a field that describes the second graphic information as being advertisement or not, and a field that describes a location on a display screen where a creator of the descriptor anticipates that a representation of the second graphic information should be position in order that the second graphic information is displayed at a predetermined position on the screen (e.g., the sponsor graphic or other graphic associated with selected channel/program is designated to be displayed on the screen associated with the selected channel/program).

Regarding claim 12, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 9. Doc. A/65 in view of Knudson further discloses the third field describes the second graphic information as extended event, extended EPG information that is to be displayed during an EPG display when an event is selected

Art Unit: 2623

(e.g. when the “By channel” or channel or program is selected, the EPG displayed logo graphics of plurality of channels or sponsor graphic or other graphic associated with selected channel/program— see include, but are not limited to: Knudson: figures 5-13; col. 2, line 42-col. 3, line 26, col. 4, lines 47-58); or extended even selected information that is to be displayed when an event is selected (e.g. selected a logo graphic of channel to displayed further information of the program including sponsor graphic, and other graphics associated with the selected channel – figures 5-13; col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 13, Doc A/65 in view of Knudson discloses DTV receiver as discussed in the rejection of claim 10. A/65 in view of Knudson further discloses the information location length field identifies a remaining length of the third descriptor as determined by the information location text field (further information associated with the program title field, program channel field, web page field, etc. – see include, but are not limited to, A/65: pages 35-41, 72-87, Knudson: figures 9, 12-13, 17-18).

Regarding claim 14, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 10. A/65 in view of Knudson further discloses the information location text field includes a string of text that is interpreted as a URL (e.g., link to particular web page or URL of WWW site – see include, but are not limited to: Knudson: figure 20, col. 2, lines 57-67, col. 6, line 66-col. 7, line 11, col. 12, lines 1-18; Boyer: figure 34, paragraph 0013).

Regarding claim 15, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 14. A/65 in view of Knudson further disclose the user access Internet website or web page via a link for additional information that is associated with the television program received at the receiver or weather information, etc. (see include, but are not limited to, Knudson: figures 12-21 ). Thus, the URL (e.g., link to website or web page) is a reference to a data program within the DTV data stream or data external to the DTV data stream (e.g., link to webpage, or web site is reference to data program multiplexed and transmitted within the DTV data stream or data received over out of band, or from Internet.

Regarding claim 16, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 15. A/65 in view of Knudson further discloses the external data is from the world wide web (WWW) – e.g., Internet – see include, but are not limited to, Knudson: figures 12-21, col. 2, line 45-67).

Regarding claim 17, Doc A/65 in view of Knudson discloses a DTV receiver as discussed in the rejection of claim 15. A/65 in view of Knudson further discloses the data is received from Internet via Internet link (Internet – see include, but are not limited to, Knudson: figures 12-21, col. 2, line 45-67) or from the digital data stream (see include, but are not limited to, Knudson: col. 2, lines 45-67, col. 5, lines 24-56). Inherently, the data program within the DTV data stream is referenced with a path

Art Unit: 2623

beginning as dtv (e.g., in band digital signal, television channel side band, etc.) or as [http:// www](http://www) or <http://> (e.g., Internet link).

Regarding claim 18, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses a link between first descriptor and a virtual channel table (see include, but are not limited to, A/65: page 9, pages 11-33).

Regarding claim 19, Doc A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses a link between the second descriptor and an event information table (see include, but are not limited to, A/65: pages 9-33).

Regarding claim 22, the limitations of the method that correspond to the limitations of the DTV receiver in claim 1 are analyzed as discussed in the rejection of claim 1. Doc. A/65 in view of Knudson further discloses generating at least one PSIP table including at least of first descriptor and second descriptor (see include, but are not limited to, Doc. A/65- pages 8-33; Knudson: figures 3-13; col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 27, the limitations of the method that correspond to the limitations of the DTV receiver in claim 1 are analyzed as discussed with respect to the rejection of



Art Unit: 2623

claim 1. Doc. A/65 in view of Knudson further discloses receiving DTV stream of data packets, the stream containing at least one program and system information protocol tables (see include, but are not limited to; Doc. A/65 - pages 9-33).

Regarding claim 33, Doc. A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 9. Doc. A/65 in view of Knudson further discloses third field indicates that the first graphic information associated with the source of the event is displayed when the source of the event is selected (e.g., field indicates that the graphic information such as channel logo associated with the channel/source of the event is displayed when the channel/source of the event is selected - see include, but are not limited to, Knudson: figures 8, 12-17, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

Regarding claim 34, Doc. A/65 in view of Knudson discloses the DTV receiver as discussed in the rejection of claim 9. Doc. A/65 in view of Knudson further discloses third field that the second graphic information associated with the event is displayed when the event is selected (e.g., field that the graphic information such as sponsor graphic, "cc" graphic, or "I" graphic, etc. associated with the program/broadcast event is displayed when the program, movie, or an event is selected – see include, but are not limited to, Knudson: figures 8, 12-17, col. 2, line 42-col. 3, line 26, col. 4, lines 47-58).

***Conclusion***

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to SON P. HUYNH whose telephone number is (571)272-7295. The examiner can normally be reached on 9:00-6:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher S. Kelley can be reached on 571-272-7331. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/SON P HUYNH/  
Primary Examiner, Art Unit

August 13, 2008

